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| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | EXAMINER BRUCKART, BENJAMIN R | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 09/688,581 | Applicant(s) BALASSANIAN ET AL. | |
| | Examiner Benjamin R. Bruckart | Art Unit 2155 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 1-91 are pending in this Office Action.

Claims 1, 12, 13, 17, 27, 32, 34, 45, 50, 51, 72-80 are amended.

Claims 90 and 91 are new.

There are no cancelled claims.

The minor objection on claim 13, mislabeled claim 12 is withdrawn in light of applicant's amendment.

The 35 U.S.C. 101 rejection is withdrawn in light of applicant's remarks and amendments.

Priority

Receipt is acknowledged of papers submitted. Attention is directed to the fact that the date for which priority is claimed is the priority date of U.S. Patent 6,324,685. The priority date of 3/18/98 is granted.

Response to Arguments

Applicant's arguments filed in the amendment filed 9/2/05, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Claims 1-11, 90 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,151,643 by Cheng et al.

Regarding claim 1, a method of deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), the method being implemented by a computer and comprising:

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searching locally for the code for the feature (Cheng: col. 7, lines 46-53);
requesting the code for the feature from a server component in the network (Cheng: col. 8, lines 21-31);
receiving the code for the feature from the server component (Cheng: col. 8, lines 36-42);
and
activating the feature (Cheng: col. 5, lines 33; install).

Regarding claim 2, the method of claim 1, further comprising establishing a need for the code for the feature (Cheng: col. 2, lines 11-13).

Regarding claim 3, the method of claim 2, wherein establishing a need for the code for the feature is based on a request for the feature (Cheng: col. 7, lines 54- col. 8, line 20).

Regarding claim 4, the method of claim 1, wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers).

Regarding claim 5, the method of claim 4, wherein the sub-feature may be used with other features (Cheng: col. 13, lines 24-28; device drivers; col. 18, lines 54-57).

Regarding claim 6, the method of claim 1, wherein the code received from the server component for the feature is an upgrade to an existing feature (Cheng: col. 7, lines 62-64).

Regarding claim 7, the method of claim 6, further comprising upgrading other existing features based on the code received from the server component for the feature (Cheng: col. 7, lines 46- col. 8, line 20).

Regarding claim 8, the method of claim 1, wherein activating the feature comprises activating all resources associated with the feature (Cheng: col. 5, lines 33; install; col. 8, lines 21-26).

Regarding claim 9, the method of claim 1, wherein the code for the feature received from the server component is a mapping (Cheng: col. 7, lines 46-61).

Regarding claim 10, the method of claim 1, wherein requesting the code for the feature from a server component in the network includes at least one restriction on the feature (Cheng: col. 8, lines 18-20).

Regarding claim 11, the method of claim 10, wherein the at least one restriction on the feature is set by a user (Cheng: col. 8, lines 18-20).

Regarding claim 90, the method according to claim 1, wherein the requesting requests the code for the feature from a server component if the searched code for the feature is unavailable

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locally (Cheng: col. 8, lines 3-20; requests the code for the update cause the most current version).

Regarding claim 91, the system according to claim 69, wherein the means for transferring transfers the received code for a feature to at least one client if the client is determined to need the feature (Cheng: col. 8, lines 3-20;).

Claims 12-16 are rejected under the same grounds as claims 1-11. Claims 12-16 are substantially similar limitations of the above claims. Claims 17-18, 23, 26 are rejected under the same grounds as claims 1-11 because the only claim limitation change is the code is requested from a second component in the network which is equated to the server component. Claims 27-31 are rejected under the same grounds as claims 1-11.

Regarding claim 23, the method of claim 18, further comprising transferring the code for the feature to the first component within the network (Cheng: col. 8, lines 36-42).

Regarding claim 26, the method of claim 23, further comprising storing locally the code for the feature (Cheng: col. 8, lines 36-42, 55-61).

Regarding claim 29, the method of claim 27 wherein the feature comprises separate versions (Cheng: col. 3, lines 34-39).

Regarding claim 30, the method of claim 29, further comprising determining a version of the code for the feature to transfer to the component within the network (Cheng: col. 3, lines 34-39).

Regarding claim 31, the method of claim 30, wherein determining a version of the code for the feature to transfer to the component within the network is based on a restriction (Cheng: col. 7, lines 46- col. 8, line 20).

Claims 32-33 are rejected under the same grounds as claims 1-11 as being substantially similar limitations for deploying computer code which is rejected with explanations above.

Claims 45-49 are rejected under the same grounds as claims 1-11 as being substantially similar limitations for deploying computer code which is rejected with explanations above.

With regards to claims 50-60, 62 the applicant is directed to the rejection for claims 1-11 and claims 23, 26-30. The claims are rejected under the same prior as being substantially similar. Similarly claims 63-67; 69-76, 78-85, 87-89, 91 are rejected under the same prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22, 34-44, 61, 68, 77, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,643 by Cheng et al in view of U.S. Patent No. 5,421,009 by Platt.

Regarding claim 19,

The Cheng reference teaches the method of claim 18, for deploying content.

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the first component has capability to process the code for the feature (Platt: col. 6, lines 16-56).

The Platt reference further teaches the invention interrogates the system to determine capabilities to insure a successful installation (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

Claims 20-22 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Platt.

Regarding claim 20, the method of claim 19, wherein capability to process the code for the feature is based on a type of processor on the first component (Platt: col. 6, lines 23-31; hardware; col. 3, lines 15-18).

Regarding claim 21, the method of claim 19, wherein capability to process the code for the feature is based on memory space on the first component (Platt: col. 6, lines 41-56).

Regarding claim 22, the method of claim 19, wherein capability to process the code for the feature is based on an operating system on the first component (Platt: col. 6, lines 31-42).

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Regarding claim 34,

The Cheng reference teaches a method of deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), comprising:

receiving a request for the code for the feature from a component within the network (Cheng: col. 7, lines 46-53), wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers); and searching locally for the code for the at least one sub-feature (Cheng: col. 8, lines 21-31).

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the component has capability to process code for any of the feature (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

Claims 20-22 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Platt.

Regarding claim 35, the method of claim 34, further comprising transferring the code for the at least one sub-feature to the component within the network (Cheng: col. 8, lines 36-42).

Regarding claims 36, the method of claim 37, transferring code for a mapping to the component within the network (Cheng: col. 7, lines 46-61).

Regarding claim 37, the method of claim 34, further comprising transferring some of the code for sub-features of the feature to the component within the network (Cheng: col. 7, lines 46-61).

Regarding claims 38, the method of claim 35, wherein the code for the at least one sub-feature transferred to the component within the network is a mapping (Cheng: col. 7, lines 46-61).

Regarding claim 39, the method of claim 34, wherein capability to process code for any sub-features of the feature is based on a type of processor on the component (Platt: col. 6, lines 23-31; hardware; col. 3, lines 15-18).

Regarding claim 40, the method of claim 34, wherein capability to process code for any sub-features of the feature is based on memory space on the component (Platt: col. 6, lines 41-56).

Regarding claim 41, the method of claim 34, wherein capability to process code for any sub-features of the feature is based on an operating system on the component (Platt: col. 6, lines 31-42).

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Regarding claim 42, the method of claim 34, wherein the request for the code for the feature includes at least one restriction on the feature (Mishra: col. 8, lines 39-42).

Regarding claim 43, the method of claim 34, wherein the at least one sub-feature comprises separate versions (Cheng: col. 3, lines 34-39).

Regarding claim 44, the method of claim 43, further comprising:
determining a version of the code for the at least one sub-feature to transfer to the component within the network (Cheng: col. 3, lines 34-39); and
transferring the version of the code for the at least one sub-feature to the component within the network (Cheng: col. 3, lines 34-39).

Regarding claim 61, the system of claim 60, further comprising means for determining whether the first component has capability to process the code for the feature (Platt: col. 6, lines 20-29).

Regarding claim 68, a system for deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), comprising:

means for receiving a request for the code for the feature from a component within the network (Cheng: col. 7, lines 46-53), wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers);
means for searching locally for the code for the at least one sub-feature (Cheng: col. 8, lines 21-31); and

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the component has capability to process code for any of the feature (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

Claims 77, 86 are rejected under the same rationale as claim 68 because they contain substantially similar limitations.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,643 by Cheng et al in view of U.S. Patent No. 5,919,247 by Van Hoff et al.

Regarding claim 24,

The Cheng reference teaches the method of deploying content.

The Cheng reference does not explicitly state encryption.

The Van Hoff reference teaches encrypting the code for the feature before transferring the code for the feature to the first component within the network (VanHoff: col. 12, lines 33-46).

The Van Hoff reference further teaches the invention implements a strong security model to prevent damaging or stealing of information (Van Hoff: col.12, lines 33-46).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while utilizing encryption as taught by Van Hoff in order to protect information from damage and theft (Van Hoff: col. 12, lines 33-46).

Claim 25 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Van Hoff.

Regarding claim 25, the method of claim 23, further comprising digitally signing the code for the feature before transferring the code for the feature to the first component within the network (VanHoff: col. 12, lines 33-46).

REMARKS

Applicant has added 2 new claims and makes an argument on the independent claims.

The Applicant Argues:

The Cheng reference does not teach the limitation “searching locally for the code for the feature.”

In response, the examiner respectfully submits:

The Cheng reference does teach the cited portion. Cheng teaches an application that inventories or “analyzes” “the client computer to determine a list of installed software products.” This is a local search of the client’s computer. The feature, which is not described but only mentioned in the preamble, has no further limitations. Cheng allows a user to inventory a client computer and determine “applications, system utilities, drivers, executables, and resources” that may be missing or have an available upgrade (Cheng: col. 7, lines 46- col. 7, line 8). Any and all of these are features of a client system that may be added across a network. The lack of details to further define the limitation do not overcome the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart

Examiner

Art Unit 2155

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SUPERVISORY PATENT EXAMINER